



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

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SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY/DOCK
07/020,900	03/02/87	USHIMA	E 5-1022

FITZPATRICK, CELLA, HARPER & SCINTO
277 PARK AVENUE
NEW YORK, NY 10172

EXAMINER	
RAYMOND YK	
ART UNIT	PAPER NUM
127	8

DATE MAILED: 04/21/87

This is a communication from the examiner in charge of your application.
COMMISSIONER OF PATENTS AND TRADEMARKS

☐ This application has been examined ☒ Responsive to communication filed on 3-21-88 ☐ This action is made final.

A shortened statutory period for response to this action is set to expire 3 month(s), _____ days from the date of this letter.
Failure to respond within the period for response will cause the application to become abandoned. 35 U.S.C. 133

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

- | | |
|---|---|
| 1. <input checked="" type="checkbox"/> Notice of References Cited by Examiner, PTO-892. | 2. <input type="checkbox"/> Notice re Patent Drawing, PTO-948. |
| 3. <input type="checkbox"/> Notice of Art Cited by Applicant, PTO-1449 | 4. <input type="checkbox"/> Notice of informal Patent Application, Form PTO-152 |
| 5. <input type="checkbox"/> Information on How to Effect Drawing Changes, PTO-1474 | 6. <input type="checkbox"/> |

Part II SUMMARY OF ACTION

1. ☒ Claims 1-10 + 13-19 are pending in the application
Of the above, claims _____ are withdrawn from consideration.
2. ☐ Claims _____ have been cancelled.
3. ☐ Claims _____ are allowed.
4. ☒ Claims 1-10 + 13-19 are rejected.
5. ☐ Claims _____ are objected to.
6. ☐ Claims _____ are subject to restriction or election requirement.
7. ☐ This application has been filed with informal drawings which are acceptable for examination purposes until such time as allowable subject matter is indicated.
8. ☐ Allowable subject matter having been indicated, formal drawings are required in response to this Office action.
9. ☐ The corrected or substitute drawings have been received on _____. These drawings are ☐ acceptable; ☐ not acceptable (see explanation).
10. ☐ The ☐ proposed drawing correction and/or the ☐ proposed additional or substitute sheet(s) of drawings, filed on _____ has (have) been ☐ approved by the examiner. ☐ disapproved by the examiner (see explanation).
11. ☐ The proposed drawing correction, filed _____, has been ☐ approved. ☐ disapproved (see explanation). However, the Patent and Trademark Office no longer makes drawing changes. It is now applicant's responsibility to ensure that the drawings are corrected. Corrections MUST be effected in accordance with the instructions set forth on the attached letter "INFORMATION ON EFFECT DRAWING CHANGES", PTO-1474.
12. ☐ Acknowledgment is made of the claim for priority under 35 U.S.C. 119. The certified copy has ☐ been received ☐ not been received
☐ been filed in parent application, serial no. _____; filed on _____
13. ☐ Since this application appears to be in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11; 453 O.G. 213.
14. ☐ Other

Serial No. 020,900

-2-

Art Unit 129

1. Applicants' amendment, arguments and showing under 37 CFR 1.132 have overcome the art rejection of record.
 - 1a. The definition ~~---~~ as a single bond in claim 1 is inaccurate in view of the limitation of \times . Cancellation is requested.
2. Claims 1 to 10 and 13 to 19 are newly rejected under 35 USC 102(a) and/or 35 USC 103 over the newly cited Japanese patent (see the enclosed C.A. abstract). This reference, having a 2-27-87 date which is prior to the present U.S. filing date, discloses dibenzoxepins having carboxy substituents and $=CH(CH_2)_nNR^1R^2$ substituents. Compounds within the present claims are encompassed.
3. The European patent corresponding to the Japanese patent is cited to provide an English language equivalent.
4. This rejection is not made final.
5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to R. Raymond whose telephone number is (703) 557-1210.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 557-3920.

R. Raymond:dli

4-19-88

(703) 557-1210

Richard L. Raymond
RICHARD L. RAYMOND
PRIMARY EXAMINER
ART UNIT 129